




**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Fisher et al.
SERIAL NO.: 09/781,917
FILED: February 8, 2001
TITLE: System And Method For Accessing And Utilizing
Ancillary Data With An Electronic Camera Device
EXAMINER: Jerabek, K.
ART UNIT: 2622
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CERTIFICATE OF MAILING

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Dated: 1/14/10



Gregory J. Koerner

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O Box 1450
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Dear Sir:

The following Appeal Brief is submitted in an Appeal from the Final Office Action of July 10, 2009 and the Advisory Action of October 9, 2009 in the above-referenced Patent Application.

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(1) Real parties in interest

The real parties in interest in the above-referenced Patent Application are Sony Corporation, a Japanese corporation with offices in Tokyo, Japan, and Sony Electronics Inc., a Delaware corporation with offices in New Jersey.

(2) Related appeals and interferences

To the present knowledge of Appellants' legal representative, there are currently no related Appeals or Interference proceedings in progress which will directly affect, or be directly affected by, or have a bearing on the Board's decision in the present Appeal.

(3) Status of Claims

Claims 1, 4-9, 11, 13-15, 17, 21, 24-29, 31, 33-35, 37, 41-42, 47-48, and 50-52 stand rejected under 35 U.S.C. § 102(b). The rejections of claims 1, 4-9, 11, 13-15, 17, 21, 24-29, 31, 33-35, 37, 41-42, 47-48, and 50-52 are being appealed, but the rejections of claims 41, 42, and 51 are not being appealed. Claims 2-3, 10, 16, 18-20, 22-23, 30, 36, 38-40, 43-46, 49, and 53-59 stand rejected under 35 U.S.C. § 103(a). The rejections of claims 2-3, 10, 16, 18-20, 22-23, 30, 36, 38-40, 43-46, 49, and 53-58 are being appealed, but the rejection of claim 59 is not being appealed.

(4) Status of Amendments

On July 10, 2009, a Final Office Action in the present Application was mailed to Applicants' Representative. In response, Applicants filed an Amendment after Final on September 9, 2009. In the subsequent Advisory Action mailed on October 9, 2009, the Examiner refused to enter the Amendment after Final. Accordingly, the Applicants filed a Notice of Appeal in the present Application on October 7, 2009.

(5) Summary of Claimed Subject Matter

In accordance with one embodiment of the present invention, a system and method are disclosed for accessing and utilizing ancillary data 418 with an electronic camera device 110. Initially, in one embodiment, one or more ancillary data files 418 may preferably be created by any appropriate entity and stored in a particular data source. For example, in one embodiment, a system user may create various ancillary data files 418 on a discrete computer device for subsequent downloading and utilization by the camera device 110. Alternately, a manufacturer may create various ancillary data files 418, and make the ancillary data files 418 available on a distributed computer network like the Internet for subsequent downloading and utilization by the camera device 110.

Next, the camera device 110 may preferably establish an electronic communication path with the foregoing data source in any appropriate manner to thereby access one or more ancillary data files 418. The electronic communication path between the data source and the camera device 110 may be established using any effective technique. For example, the camera device 110 may access and download one or more ancillary data files 418 using a removable non-volatile memory device, a hard-wired connection, or a wireless connection. Similarly, the camera device 110 may access and download one or more ancillary data files 418 from either a stand-alone electronic device like a personal computer, or a distributed computer network like the Internet.

Then, the camera device 110 may perform various on-line management

procedures with the ancillary data files by means of the previously-established electronic communication path. The on-line management procedures may include any appropriate processes or functionalities. For example, a download manager 512 from the ancillary data module 416 of the camera device 110 may advantageously select and download one or more of the ancillary data files 418 from the data source. In certain embodiments, a system user may interactively view, manipulate, select, and download the ancillary data files 418 from the data source.

After the download manager 512 preferably downloads and locally stores one or more selected ancillary data files 418, the electronic communication path between the data source and the camera device 110 may be terminated. Then, the ancillary data module 416 may preferably analyze the downloaded ancillary data file(s) 418, and coordinate any required off-line file management procedures, either automatically or through an interactive process involving a system user.

In certain embodiments, the ancillary data module 416 may preferably analyze one or more descriptors 712 corresponding to the downloaded ancillary data files 418 to identify relevant information regarding the downloaded ancillary data files 418. A display manager 420 may responsively update camera device menus 424 for display in a camera viewfinder 308 to thereby include any changes in the locally-stored ancillary data files 418.

Finally, a system user may advantageously utilize the downloaded ancillary data files 418 in the camera device 110. For example, a system user may combine

one or more downloaded ancillary data files 418 in the camera device 110 with corresponding captured image data 714 to thereby produce a new composite image. In certain embodiments, a display manager 420 may display one or more selected ancillary data files 418 in the camera viewfinder 308 while a system user positions and captures associated image data 714. In alternate embodiments, an editing module 520 from the ancillary data module 416 may allow a system user to view and edit a composite image of one or more selected ancillary data files 418 and one or more selected captured images 714 from data storage 422 of the camera device 110.

Independent claim 1 recites “a data source configured to store one or more ancillary data files, said data source being implemented as a computer in a distributed computer network of multiple remote intercommunicating computers.” The foregoing subject matter is discussed in the Specification, for example, at page 10, lines 19-26, page 11, line 27 to page 12, line 10, and page 15, lines 6-12.

Independent claim 1 also recites “an imaging device configured to capture said image data, said imaging device being physically remote from said computer.” The foregoing subject matter is discussed in the Specification, for example, at page 7, lines 9-16, page 10, lines 19-26, page 11, line 27 to page 12, line 10, and page 15, lines 6-12.

Independent claim 1 further recites “an ancillary data module for transferring said one or more ancillary data files in an ancillary data flow from

said data source directly to said imaging device for manipulating said image data.” The foregoing subject matter is discussed in the Specification, for example, at page 9, lines 20-22, and page 11, line 29 to page 12, line 10.

Independent claim 1 also recites “said ancillary data module performing on-line management procedures during which a system user interactively and manually utilizes said imaging device to remotely view said one or more ancillary data files that are stored on said computer, to remotely manipulate said one or more ancillary data files that are stored on said computer, to then remotely select said one or more ancillary data files that are stored on said computer, and to manually trigger a download of said one or more ancillary data files from said computer to said imaging device, said one or more ancillary data files being selected and downloaded through selection decisions that are able to be made in all instances only by said system user, said selection decisions being made in all instances prior to said download of said ancillary data files, said on-line management procedures occurring while an active bi-directional electronic communication path currently exists from said imaging device to said computer through said distributed computer network.” The foregoing subject matter is discussed in the Specification, for example, at page 9, lines 20-22, page 11, line 29 to page 12, line 10, page 15, lines 9-21, and page 15 line 22 to page 16, line 6.

Independent claim 1 further recites “said one or more ancillary data files including one or more image data files that said imaging device combines with

said image data to create a new composite image that integrates both said image data and at least one of said ancillary data files into a single image.” The foregoing subject matter is discussed in the Specification, for example, at page 9, lines 20-22, page 11, line 29 to page 12, line 10, and page 15, lines 9-21.

Independent claim 21 recites “storing one or more ancillary data files in a data source, said data source being implemented as a computer in a distributed computer network of multiple remote intercommunicating computers” The foregoing subject matter is discussed in the Specification, for example, at page 10, lines 19-26, page 11, line 27 to page 12, line 10, and page 15, lines 6-12.

Independent claim 21 also recites “capturing said image data with an imaging device, said imaging device being physically remote from said computer.” The foregoing subject matter is discussed in the Specification, for example, at page 7, lines 9-16, page 10, lines 19-26, page 11, line 27 to page 12, line 10, and page 15, lines 6-12.

Independent claim 21 further recites “transferring said one or more ancillary data files in an ancillary data flow from said data source directly to said imaging device by using an ancillary data module” The foregoing subject matter is discussed in the Specification, for example, at page 9, lines 20-22, and page 11, line 29 to page 12, line 10.

Independent claim 21 also recites “manipulating said image data with said one or more ancillary data files, said ancillary data module performing on-

line management procedures during which a system user interactively and manually utilizes said imaging device to remotely view said one or more ancillary data files that are stored on said computer, to remotely manipulate said one or more ancillary data files that are stored on said computer, to then remotely select said one or more ancillary data files that are stored on said computer, and to manually trigger a download of said one or more ancillary data files from said computer to said imaging device, said one or more ancillary data files being selected and downloaded through selection decisions made only by said system user, said selection decisions being made prior to said download of said ancillary data files, said on-line management procedures occurring while an active bi-directional electronic communication path currently exists from said imaging device to said computer through said distributed computer network.” The foregoing subject matter is discussed in the Specification, for example, at page 9, lines 20-22, page 11, line 29 to page 12, line 10, page 15, lines 9-21, and page 15 line 22 to page 16, line 6.

Independent claim 21 further recites “said one or more ancillary data files including one or more image data files that said imaging device combines with said image data to create a new composite image that integrates both said image data and at least one of said ancillary data files into a single image.” The foregoing subject matter is discussed in the Specification, for example, at page 9, lines 20-22, page 11, line 29 to page 12, line 10, and page 15, lines 9-21.

Independent claim 53 recites “a data source configured to store one or

more ancillary data files, said data source being implemented as a computer in an Internet network of multiple remote intercommunicating computers.” The foregoing subject matter is discussed in the Specification, for example, at page 10, lines 19-26, page 11, line 27 to page 12, line 10, and page 15, lines 6-12.

Independent claim 53 also recites “an imaging device configured to capture said image data, said imaging device being physically remote from said computer.” The foregoing subject matter is discussed in the Specification, for example, at page 7, lines 9-16, page 10, lines 19-26, page 11, line 27 to page 12, line 10, and page 15, lines 6-12.

Independent claim 53 further recites “an ancillary data module for transferring said one or more ancillary data files in an ancillary data flow from said data source directly to said imaging device for manipulating said image data.” The foregoing subject matter is discussed in the Specification, for example, at page 9, lines 20-22, and page 11, line 29 to page 12, line 10.

Independent claim 53 also recites “said ancillary data module performing on-line management procedures during which a system user interactively and manually utilizes said imaging device to remotely view said one or more ancillary data files while said one or more ancillary data files are stored on said computer, to remotely manipulate said one or more ancillary data files while said one or more ancillary data files are stored on said computer, to then remotely select said one or more ancillary data files while said one or more ancillary data files are stored on said computer, and to manually trigger a

download of said one or more ancillary data files from said computer to said imaging device, said one or more ancillary data files being selected and downloaded through selection decisions made only by said system user, said selection decisions being made prior to said download of said ancillary data files, said on-line management procedures occurring while an active bi-directional electronic communication path currently exists from said imaging device through said Internet network to said computer.” The foregoing subject matter is discussed in the Specification, for example, at page 9, lines 20-22, page 11, line 29 to page 12, line 10, page 15, lines 9-21, and page 15 line 22 to page 16, line 6.

Independent claim 53 further recites “said one or more ancillary data files being limited to one or more image data files that said imaging device combines with said image data to create a new composite image that integrates both said image data and at least one of said ancillary data files into a single image.” The foregoing subject matter is discussed in the Specification, for example, at page 9, lines 20-22, page 11, line 29 to page 12, line 10, and page 15, lines 9-21.

(6) Grounds Of Rejection To Be Reviewed Upon Appeal

Whether claims 1, 4-9, 11, 13-15, 17, 21, 24-29, 31, 33-35, 37, 47-48, 50, and 52 are anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,396,537 to Squilla et al (hereafter Squilla). Whether claims 2 and 22 are unpatentable under 35 U.S.C. §103 over Squilla in view of U.S. Patent No. 6,930,709 to Creamer et al. (hereafter Creamer). Whether claims 3, 23, and 46 are unpatentable under 35 U.S.C. § 103 over Squilla in view of U.S. Patent No. 6,950,130 to Qian (hereafter Qian), and yet further in view of U.S. Patent No. 6,223,190 to Aihara et al. (hereafter Aihara). Whether claims 10, 18-20, 30, and 38-40 are unpatentable under 35 U.S.C. §103 over Squilla in view of U.S. Patent No. 6,177,957 to Anderson (hereafter Anderson). Whether claims 12, 32, 49, and 53-55 are unpatentable under 35 U.S.C. § 103 over Squilla in view of Aihara. Whether claims 16 and 36 are unpatentable under 35 U.S.C. §103 over Squilla in view of U.S. Patent No. 5,477,264 to Sarabadhikari et al. (hereafter Sarabadhikari). Whether claim 43 is unpatentable under 35 U.S.C. §103 over Squilla in view of U.S. Patent No. 6,195,511 to Harada (hereafter Harada). Whether claim 44 is unpatentable under 35 U.S.C. § 103 over Squilla, Aihara, and Qian, and further in view of U.S. Patent No. 6,721,001 to Berstis (hereafter Berstis), and yet further in view of U.S. Patent No. 6,894,694 to Silverbrook et al. (hereafter Silverbrook). Whether claim 45 is unpatentable under 35 U.S.C. §103 over Squilla in view of U.S. Patent No. 6,731,305 to Park et al. (hereafter Park), and further in view of U.S. Patent No. 6,968,058 to

Kondoh et al. (hereafter Kondoh), and yet further in view of U.S. Patent No. 5,717,496 to Satoh et al. (hereafter Satoh). Whether claim 56 is unpatentable under 35 U.S.C. § 103 over Squilla and Aihara in view of U.S. Patent No. 6,535,243 to Tullis (hereafter Tullis). Whether claims 57-58 are unpatentable under 35 U.S.C. §103 over Squilla and Aihara in view of by U.S. Patent No. 6,006,039 to Steinberg et al. (hereafter 039).

(7) Argument

I. 35 U.S.C. § 102(b)

(A). Rejection of claims 1, 4-9, 11, 13-15, 17, 21, 24-29, 31, 33-35, 37, 41-42, 47-48, and 50-52 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,396,537 to Squilla et al. (hereafter Squilla).

The Applicants respectfully traverse these rejections from page 15 of the Office Action for at least the following reasons. “For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Squilla fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

(1). Independent Claim 1:

With regard to the Examiner’s rejection of independent claim 1, Applicants provide their arguments below in sequentially ordered sections.

(a). Squilla teaches a camera that passively and automatically receives content data directly from an “image spot” that is located at an “attraction site.” (see column 2, lines 30-65). However, Applicants submit that Squilla fails to teach any sort of “on-line management procedures” in which ancillary data files are selected and downloaded as a result of “*selection decisions that are able to be made in all instances only by said system user*” (emphasis added), as claimed by Applicants.

On the contrary, Applicants submit that Squilla expressly states that “the personality file is used by the respective processors 76, 14 in the image server 70 and the image spot 10 to choose content data” (emphasis added) (see column 6, lines 57-59). On page 3 of the Office Action, the Examiner states that “it can be seen that Squilla discloses that ancillary data files are selected and downloaded through selections decisions that are capable of being made in all instances only by a system user.” Applicants respectfully traverse.

Squilla specifically teaches that “[t]he purpose of the personality file 52 is to indicate to the image spot the type of data that the user is interested in” (column 4, lines 60-62). Applicants therefore submit that the personality file is used by the data source to automatically select data, and therefore the selection decisions in Squilla are not “able to be made in all instances only by said system user” (emphasis added).

On page 3 of the Office Action, the Examiner states that “this portion of the Squilla reference is directed to a separate embodiment, and thus is not applicable.” Applicants respectfully traverse. Squilla explicitly teaches “a customized personality file” that is “stored in the camera according to the embodiments shown in FIGS. 1 and 2.” Therefore, both embodiments in Squilla utilize the personality file in a similar manner to automatically select and download the data.

In addition, the download decisions in Squilla are automatically controlled by a remote “image spot” or “server” by utilizing the personality file.

In contrast, Applicants' claimed invention recites a selection process that is manually controlled by a system user through a camera device. In other words, Applicants' invention utilizes a manual "pull" technique, while Squilla teaches an automatic "push" technique.

Furthermore, Applicants' independent claim 1 recites the limitation "*in all instances*." Applicants submit that this limitation covers all embodiments taught by any of the cited references. For all of the foregoing reasons, Applicants submit that Squilla fails to teach "*said one or more ancillary data files being selected and downloaded through selection decisions that are able to be made in all instances only by said system user*," as claimed by Applicants.

(b). Squilla discloses that "the data stored in the personality file 52 will determine what extra data is going to be used This content can be uploaded to the camera 24 and selected using the preview function (column 8, lines 43-47) (emphasis added). Applicants therefore submit that Squilla teaches downloading content data to the camera first, and then subsequently selecting which downloaded content to retain.

In contrast, Applicants teach enabling a system user to "remotely view," "remotely manipulate," and "remotely select" the ancillary data files before manually triggering a download. Applicants therefore submit that Squilla fails to teach "*said selection decisions being made in all instances prior to said download of said ancillary data files*," as claimed by Applicants.

On page 3 of the Office Action, the Examiner states that "it can be seen

that Squilla further discloses that selection decisions may be made in all instances prior to downloading the ancillary data files.” Applicants respectfully traverse. Squilla expressly teaches that “[t]he relevant information, which may be actual content information . . . is then communicated by the image spot 10 to the camera 24” (column 4, line 65 to column 5, line 1).

Applicants submit that “actual content information” is automatically selected and transferred to the camera in response to the “personality file” before the user views the downloaded the content information. For all of the foregoing reasons, Applicants therefore maintain that the user’s selection decisions in Squilla are not “*made in all instances prior to downloading the ancillary data files,*” as claimed by Applicants.

Furthermore, as discussed above in sections (a) and (b), Squilla fails to teach a system user that makes downloading selection decisions with a camera device while the camera is currently in active communication on-line with a data source (in all instances prior to downloading the ancillary data files). Applicants therefore submit that Squilla fails to teach “on-line management procedures during which a system user interactively and manually utilizes said imaging device to remotely view said one or more ancillary data files that are stored on said computer, to remotely manipulate said one or more ancillary data files that are stored on said computer, to then remotely select said one or more ancillary data files that are stored on said computer” . . . “while an active bi-directional electronic communication path currently exists from said imaging

device to said computer” (emphasis added), as claimed by Applicants.

(c). On page 17 of the Office Action, the Examiner cites columns 5 and 6 of Squilla against Applicants’ claimed “new composite image.” Applicants respectfully traverse, and submit that Squilla nowhere teaches combining any sort of downloaded ancillary data and captured image data to create a “new composite image,” as recited by Applicants. In particular, Applicants submit that Squilla fails to teach creating “*a new composite image that integrates both said image data and at least one of said ancillary data files as a single image*” (emphasis added), as claimed by Applicants.

Squilla describes the downloadable content as “information about the feature that qualifies as an information spot, and specifically information that would be of interest to a variety of viewers” (column 4, lines 64-66) (emphasis added). Applicants therefore submit that “content” in Squilla is designed simply to inform a system user, and is not designed to be “integrated” with other image data to form “a new composite image,” as claimed by Applicants.

Furthermore, Squilla explicitly states that “the captured image data is stored in an image recording memory . . . where the selected content data is also stored and therewith appended to or associated with the image” (column 5, lines 18-22) (emphasis added). Applicants submit that merely appending content to an image is not the same as physically integrating two sets of data to form “a single image,” as claimed by Applicants.

Squilla further discloses that “[a]lternately, a URL for the data can be

stored in the respective memory and the data may be downloaded via the internet at a later time” (column 5, lines 10-14). Similarly, Squilla discloses downloading to the camera only a “content reference” to a remote storage location on the server, so that “large data files do not have to be stored in the camera” (column 8, lines 26-27). Applicants submit that storing the content remotely is further evidence that Squilla fails to teach utilizing a camera device to integrate image data and downloaded ancillary data into a single new composite image.

For all of the foregoing reasons, Applicants submit that Squilla fails to teach creating “a new composite image that integrates both said image data and at least one of said ancillary data files as a single image” (emphasis added), as claimed by Applicants. Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Squilla to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of independent claim 1.

(2). Independent Claim 21:

With regard to the Examiner’s rejection of independent claim 21, Applicants provide their arguments below in sequentially ordered sections.

(a). Squilla teaches a camera that passively and automatically receives content data directly from an “image spot” that is located at an “attraction site.”

(see column 2, lines 30-65). However, Applicants submit that Squilla fails to teach any sort of “on-line management procedures” in which ancillary data files are selected and downloaded as a result of “*selection decisions made only by said system user*” (emphasis added), as claimed by Applicants.

On the contrary, Applicants submit that Squilla expressly states that “the personality file is used by the respective processors 76, 14 in the image server 70 and the image spot 10 to choose content data” (emphasis added) (see column 6, lines 57-59). On page 3 of the Office Action, the Examiner states that “it can be seen that Squilla discloses that ancillary data files are selected and downloaded through selections decisions that are capable of being made in all instances only by said system user.” Applicants respectfully traverse.

Squilla specifically teaches that “[t]he purpose of the personality file 52 is to indicate to the image spot the type of data that the user is interested in” (column 4, lines 60-62). Applicants therefore submit that the personality file is used by the data source to automatically select data, and therefore the selection decisions in Squilla are not “made only by said system user” (emphasis added).

On page 3 of the Office Action, the Examiner states that “this portion of the Squilla reference is directed to a separate embodiment, and thus is not applicable.” Applicants respectfully traverse. Squilla explicitly teaches “a customized personality file” that is “stored in the camera according to the

embodiments shown in FIGS. 1 and 2.” Therefore, both embodiments in Squilla utilize the personality file in a similar manner to automatically select and download the data.

In addition, the download decisions in Squilla are automatically controlled by a remote “image spot” or “server” by utilizing the “personality file.”

In contrast, Applicants’ claimed invention recites a selection process that is manually controlled by a system user through a camera device. In other words, Applicants’ invention utilizes a manual “pull” technique, while Squilla teaches an automatic “push” technique. For all of the foregoing reasons, Applicants submit that Squilla fails to teach “*said one or more ancillary data files being selected and downloaded through selection decisions made only by said system user,*” as claimed by Applicants.

(b). Squilla discloses that “the data stored in the personality file 52 will determine what extra data is going to be used This content can be uploaded to the camera 24 and selected using the preview function (column 8, lines 43-47) (emphasis added). Applicants therefore submit that Squilla teaches downloading content data to the camera first, and then subsequently selecting which downloaded content to retain.

In contrast, Applicants teach enabling a system user to “remotely view,” “remotely manipulate,” and “remotely select” the ancillary data files before manually triggering a download. Applicants therefore submit that Squilla fails to teach “*said selection decisions being made prior to said download of said*

ancillary data files,” as claimed by Applicants.

On page 3 of the Office Action, the Examiner states that “it can be seen that Squilla further discloses that selection decisions may be made in all instances prior to downloading the ancillary data files.” Applicants respectfully traverse. Squilla expressly teaches that “[t]he relevant information, which may be actual content information . . . is then communicated by the image spot 10 to the camera 24” (column 4, line 65 to column 5, line 1).

Applicants submit that “actual content information” is automatically selected and transferred to the camera in response to the “personality file” before the user views the downloaded the content information. For all of the foregoing reasons, Applicants therefore maintain that the user’s selection decisions in Squilla are not “*made prior to downloading the ancillary data files,*” as claimed by Applicants.

Furthermore, as discussed above in sections (a) and (b), Squilla fails to teach a system user that makes downloading selection decisions with a camera device while the camera is currently in active communication on-line with a data source (in all instances prior to downloading the ancillary data files). Applicants therefore submit that Squilla fails to teach “on-line management procedures during which a system user interactively and manually utilizes said imaging device to remotely view said one or more ancillary data files that are stored on said computer, to remotely manipulate said one or more ancillary data files that are stored on said computer, to then remotely select said one or more

ancillary data files that are stored on said computer” . . . “while an active bi-directional electronic communication path currently exists from said imaging device to said computer” (emphasis added), as claimed by Applicants.

(c). On page 17 of the Office Action, the Examiner cites columns 5 and 6 of Squilla against Applicants’ claimed “new composite image.” Applicants respectfully traverse, and submit that Squilla nowhere teaches combining any sort of downloaded ancillary data and captured image data to create a “new composite image,” as recited by Applicants. In particular, Applicants submit that Squilla fails to teach creating “*a new composite image that integrates both said image data and at least one of said ancillary data files as a single image*” (emphasis added), as claimed by Applicants.

Squilla describes the downloadable content as “information about the feature that qualifies as an information spot, and specifically information that would be of interest to a variety of viewers” (column 4, lines 64-66) (emphasis added). Applicants therefore submit that “content” in Squilla is designed simply to inform a system user, and is not designed to be “integrated” with other image data to form “a new composite image,” as claimed by Applicants.

Furthermore, Squilla explicitly states that “the captured image data is stored in an image recording memory . . . where the selected content data is also stored and therewith appended to or associated with the image” (column 5, lines 18-22) (emphasis added). Applicants submit that merely appending content to an image is not the same as physically integrating two sets of data to

form “a single image,” as claimed by Applicants.

Squilla further discloses that “[a]lternately, a URL for the data can be stored in the respective memory and the data may be downloaded via the internet at a later time” (column 5, lines 10-14). Similarly, Squilla discloses downloading to the camera only a “content reference” to a remote storage location on the server, so that “large data files do not have to be stored in the camera” (column 8, lines 26-27). Applicants submit that storing the content remotely is further evidence that Squilla fails to teach utilizing a camera device to integrate image data and downloaded ancillary data into a single new composite image.

For all of the foregoing reasons, Applicants submit that Squilla fails to teach creating “*a new composite image that integrates both said image data and at least one of said ancillary data files as a single image*” (emphasis added), as claimed by Applicants. Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Squilla to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of independent claim 21.

(3). Dependent Claims 11 and 31:

With regard to the rejections of claims 11 and 31, the Examiner cites column 5, lines 1-22, of Squilla in support of these rejections. Applicants

respectfully traverse. Squilla is limited to teaching a camera user that reviews a “list indicative of the content” to accept or reject previously downloaded content.

Applicants submit that a unified “list” with multiple entries is significantly different from their ancillary data files that “each include a data portion and a corresponding descriptor tag” (emphasis added), as claimed by Applicants.

Furthermore, Applicants submit that a camera user manually utilizing the “list” of Squilla to select content, is significantly different from Applicants’ claimed technique for a “descriptor tag that is analyzed by said ancillary data module to identify, characterize, and categorize a corresponding one of said one or more ancillary data files.” In particular, Applicants submit that the ancillary data module automatically functions without direct intervention by the system user. In addition, the camera user in Squilla is selecting which content to retain, while Applicants’ utilize their individual descriptor tags to “*identify, characterize, and categorize*” previously selected content. The functions are therefore completely different. Applicants therefore submit that claims 11 and 31 are not anticipated by the teachings of Squilla.

(4). Dependent Claims 15 and 35:

With regard to the rejections of claim 15 and 35, Applicants submit that Squilla fails to teach that “said ancillary data module performs said one or more on-line management procedures while said active bi-directional electronic communication path is available, said one or more on-line management procedures

including a data-source content review” (emphasis added), as claimed by Applicants.

In particular, as discussed above in conjunction with independent claim 1, the only on-line procedure taught by Squilla is automatically performed by a remote computer by utilizing a “personality file” (not by the camera user via the camera device, as claimed by Applicants). Squilla therefore fails to teach a system user that actively manages “on-line management procedures” to perform “a data-source content review” with a camera device while the camera is currently in active communication on-line with a data source, as claimed by Applicants.” Applicants therefore submit that claims 15 and 35 are not anticipated by Squilla.

(5). Dependent Claim 47:

With regard to the rejection of claim 47, the Examiner cites columns 4-5 of Squilla for support. Applicants respectfully traverse, and submit that the cited passages of Squilla nowhere teach or suggest the various details of the “*off-line management procedure*” that are recited by Applicants in claim 47. The cited passages from Squilla are limited to manual selection of content by a camera user.

Applicants therefore submit that Squilla fails to teach “*said off-line management procedure including said ancillary data module analyzing descriptors from said ancillary data files and coordinating corresponding off-line*”

file management procedures by alternately utilizing both an automatic process and an interactive process with a system user” (emphasis added), as claimed by Applicants.

Furthermore, Applicants submit that Squilla fails to teach an off-line management procedure during which “said ancillary data module categorizes said one or more ancillary data files, said imaging device responsively updating camera menus to include said one or more ancillary data files” (emphasis added), as claimed by Applicants. For at least the foregoing reasons, Applicants therefore request reconsideration and withdrawal of the rejection of claim 47.

(6). Dependent Claim 52:

With regard to the rejection of claim 52 found on page 22 of the Office Action, the Examiner has only addressed the “software program” limitation of claim 52. Applicants submit that Squilla teaches an automatic “push” technique that is controlled by a remote computer to select and transmit content to a passive camera device. In contrast, dependent claim 52 is directed towards an “*ancillary data module*” that is executed by an “*imaging device*” to actively support both “*said on-line management procedures and off-line management procedures.*” In other words, Squilla’s camera is a passive recipient, while Applicants’ camera is an active participant. Applicants therefore request reconsideration and withdrawal of the rejection of claim 52.

(7). Dependent Claims 4-9, 13-14, 17, 24-29, 33-34, 37, 48, and 50:

Regarding the Examiner's rejection of dependent claims 4-9, 13-14, 17, 24-29, 33-34, 37, 48, and 50, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 4-9, 13-14, 17, 24-29, 33-34, 37, 48, and 50, so that these claims may issue in a timely manner.

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Squilla to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of claims 1, 4-9, 11, 13-15, 17, 21, 24-29, 31, 33-35, 37, 47-48, and 50, 52, so that these claims may issue in a timely manner.

II. 35 U.S.C. § 103(a)

(A). The rejections of claims 2 and 22 under 35 U.S.C. § 103 as being unpatentable over Squilla in view of U.S. Patent No. 6,930,709 to Creamer et al. (hereafter Creamer).

The Applicants respectfully traverse these rejections from page 23 of the Office Action for at least the following reasons. Regarding the Examiner's rejection of dependent claims 2 and 22; for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. For at least the foregoing reasons, the Applicants submit that claims 2 and 22 are not unpatentable over the cited references, and that the rejections are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 2 and 22 so that these claims may issue in a timely manner.

(B). The rejections of claims 3, 23, and 46 under 35 U.S.C. § 103 as being unpatentable over Squilla in view of U.S. Patent No. 6,950,130 to Qian (hereafter Qian), and yet further in view of U.S. Patent No. 6,223,190 to Aihara et al. (hereafter Aihara).

The Applicants respectfully traverse these rejections from page 23 of the

Office Action for at least the following reasons.

(1). Dependent Claims 3 and 23:

Regarding the Examiner's rejection of dependent claims 3 and 23, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. For at least the foregoing reasons, the Applicants submit that claims 3 and 23 are not unpatentable over the cited references, and that the rejections are thus improper.

(2). Dependent Claim 46:

With regard to the rejection of claim 46, the Examiner states that "Squilla discloses all the limitations of claim 31 above" (from which claim 46 depends). Applicants respectfully traverse. Squilla is limited to teaching a camera user that reviews a "list indicative of the content" to accept or reject previously downloaded content. Applicants submit that a unified "list" with multiple entries is significantly different from their ancillary data files that *"each include a data portion and a corresponding descriptor tag"* (emphasis added), as claimed by Applicants in claim 31.

Furthermore, Applicants submit that a camera user manually utilizing the "list" of Squilla to select content, is significantly different from Applicants' claimed technique for a "descriptor tag that is analyzed by said ancillary data

module to identify, characterize, and categorize a corresponding one of said one or more ancillary data files.” In particular, Applicants submit that their ancillary data module automatically functions here without direct intervention by the system user. In addition, the camera user in Squilla is selecting which content to retain, while Applicants utilize the individual descriptor tags to “*identify, characterize, and categorize*” previously selected content. The functions are therefore completely different. Applicants therefore submit that claim 31 is not anticipated by the teachings of Squilla, and therefore claim 46 is allowable for at least those reasons.

In addition, on page 25 of the Office Action, the Examiner concedes that Squilla fails to disclose all claimed elements of claim 46. Applicants concur. The Examiner then points to Qian and Aihara to purportedly remedy these deficiencies in Squilla. Applicants respectfully traverse, and submit that the Examiner has failed to address all the limitations of claim 46. In particular, the Examiner has cited Qian and Aihara against only the limitations of a “background category” and an “Internet web page category.”

Applicants therefore submit that the cited references fail to teach that “*said ancillary data module analyzes said descriptor tag*” on an individual file-by-file basis, and then “*responsively assigning said downloaded one of said ancillary data files to one of several file categories in said imaging device, said file categories including a template category, an overlay category, a background category, an Internet web page category, and an instructions category*” (emphasis

added), as claimed by Applicants. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 3, 23, and 46, so that these claims may issue in a timely manner.

(C). The rejections of claims 10, 18-20, 30, and 38-40 under 35 U.S.C. § 103 as being unpatentable over Squilla in view of U.S. Patent No. 6,177,957 to Anderson (hereafter Anderson).

The Applicants respectfully traverse these rejections from page 26 of the Office Action for at least the following reasons.

(1). Dependent Claims 10, 19-20, 30, and 39-40:

Regarding the Examiner's rejection of dependent claims 10, 19-20, 30, and 39-40, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

(2). Dependent Claims 18 and 38:

With regard to the rejections of claims 18 and 38, the Examiner concedes that Squilla fails to teach an "off-line management procedure including a file descriptor identification procedure" Applicants concur. The Examiner then points to Anderson to purportedly remedy these deficiencies. Applicants respectfully traverse. Anderson is limited to teaching a camera device that

accesses “executable files” from a “flash disk”. Applicants therefore submit that Anderson fails to teach a “data source being implemented as a computer in a distributed computer network,” as claimed by Applicants.

For at least the foregoing reasons, the Applicants submit that claims 10, 18-20, 30, and 38-40 are not unpatentable over the cited references, and that the rejections are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 10, 18-20, 30, and 38-40, so that these claims may issue in a timely manner.

(D). The rejections of claims 12, 32, 49, and 53-55 under 35 U.S.C. § 103 as being unpatentable over Squilla in view of Aihara.

The Applicants respectfully traverse these rejections from page 30 of the Office Action for at least the following reasons. Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined should teach all the claim limitations.” The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

(1). Independent Claim 53:

With regard to the Examiner’s rejection of independent claim 53, Applicants provide their arguments below in sequentially ordered sections.

(a). Squilla teaches a camera that passively and automatically receives

content data directly from an “image spot” that is located at an “attraction site.” (see column 2, lines 30-65). However, Applicants submit that Squilla fails to teach “*said one or more ancillary data files being limited to one or more image data files*” (emphasis added), as claimed by Applicants.

Although the Examiner fails to address the foregoing limitations while providing grounds for the rejection of claim 53 on pages 32-33 of the Office Action, on page 8 of the Office Action, the Examiner states that “Squilla discloses ancillary data files . . . being limited to one or more image data files.” Applicants respectfully traverse.

Squilla expressly teaches “audio clips” and “reference material” as potential information for downloading to the camera (column 4, lines 63-64). Squilla therefore fails to teach ancillary data files that are “limited” to image data, as claimed by Applicants in independent claim 53. For at least this reason, Applicants request withdrawal of the rejection of independent claim 53.

(b.) Applicants further submit that Squilla fails to teach any sort of “on-line management procedures” in which ancillary data files are selected and downloaded as a result of “*selection decisions made only by said system user*” (emphasis added), as claimed by Applicants.

On the contrary, Applicants submit that Squilla expressly states that “the personality file is used by the respective processors 76, 14 in the image server 70 and the image spot 10 to choose content data” (emphasis added) (see column 6, lines 57-59). On page 3 of the Office Action, the Examiner

states that “it can be seen that Squilla discloses that ancillary data files are selected and downloaded through selections decisions that are capable of being made in all instances only by a system user.” Applicants respectfully traverse.

Squilla specifically teaches that “[t]he purpose of the personality file 52 is to indicate to the image spot the type of data that the user is interested in” (column 4, lines 60-62). Applicants therefore submit that the personality file is used by the data source to automatically select data, and therefore the selection decisions in Squilla are not “made only by said system user” (emphasis added).

On page 3 of the Office Action, the Examiner states that “this portion of the Squilla reference is directed to a separate embodiment, and thus is not applicable.” Applicants respectfully traverse. Squilla explicitly teaches “a customized personality file” that is “stored in the camera according to the embodiments shown in FIGS. 1 and 2.” Therefore, both embodiments in Squilla utilize the personality file in a similar manner to automatically select and download the data.

In addition, the download decisions in Squilla are automatically controlled by a remote “image spot” or “server” by utilizing the “personality file.”

In contrast, Applicants’ claimed invention recites a selection process that is manually controlled by a system user through a camera device. In other words, Applicants’ invention utilizes a manual “pull” technique, while Squilla teaches an automatic “push” technique. For all of the foregoing reasons,

Applicants submit that Squilla fails to teach “*said one or more ancillary data files being selected and downloaded through selection decisions that are able to be made in all instances only by said system user,*” as claimed by Applicants.

(c). Squilla discloses that “the data stored in the personality file 52 will determine what extra data is going to be used This content can be uploaded to the camera 24 and selected using the preview function (column 8, lines 43-47) (emphasis added). Applicants therefore submit that Squilla teaches downloading content data to the camera first, and then subsequently selecting which downloaded content to retain.

In contrast, Applicants teach enabling a system user to “remotely view,” “remotely manipulate,” and “remotely select” the ancillary data files before manually triggering a download. Applicants therefore submit that Squilla fails to teach “*said selection decisions being made prior to said download of said ancillary data files,*” as claimed by Applicants.

On page 3 of the Office Action, the Examiner states that “it can be seen that Squilla further discloses that selection decisions may be made in all instances prior to downloading the ancillary data files.” Applicants respectfully traverse. Squilla expressly teaches that “[t]he relevant information, which may be actual content information . . . is then communicated by the image spot 10 to the camera 24” (column 4, line 65 to column 5, line 1).

Applicants submit that “actual content information” is automatically selected and transferred to the camera in response to the “personality file”

before the user views the downloaded the content information. For all of the foregoing reasons, Applicants therefore maintain that the user's selection decisions in Squilla are not "*made prior to downloading the ancillary data files,*" as claimed by Applicants.

Furthermore, as discussed above in sections (a) and (b), Squilla fails to teach a system user that makes downloading selection decisions with a camera device while the camera is currently in active communication on-line with a data source (in all instances prior to downloading the ancillary data files). Applicants therefore submit that Squilla fails to teach "*on-line management procedures during which a system user interactively and manually utilizes said imaging device to remotely view said one or more ancillary data files that are stored on said computer, to remotely manipulate said one or more ancillary data files that are stored on said computer, to then remotely select said one or more ancillary data files that are stored on said computer*" . . . "*while an active bi-directional electronic communication path currently exists from said imaging device to said computer*" (emphasis added), as claimed by Applicants.

(d). On page 17 of the Office Action, the Examiner cites columns 5 and 6 of Squilla against Applicants' claimed "new composite image." Applicants respectfully traverse, and submit that Squilla nowhere teaches combining any sort of downloaded ancillary data and captured image data to create a "new composite image," as recited by Applicants. In particular, Applicants submit that Squilla fails to teach creating "*a new composite image that integrates both*

said image data and at least one of said ancillary data files as a single image” (emphasis added), as claimed by Applicants.

Squilla describes the downloadable content as “information about the feature that qualifies as an information spot, and specifically information that would be of interest to a variety of viewers” (column 4, lines 64-66) (emphasis added). Applicants therefore submit that “content” in Squilla is designed simply to inform a system user, and is not designed to be “integrated” with other image data to form “a new composite image,” as claimed by Applicants.

Furthermore, Squilla explicitly states that “the captured image data is stored in an image recording memory . . . where the selected content data is also stored and therewith appended to or associated with the image” (column 5, lines 18-22) (emphasis added). Applicants submit that merely appending content to an image is not the same as physically integrating two sets of data to form “a single image,” as claimed by Applicants.

Squilla further discloses that “[a]lternately, a URL for the data can be stored in the respective memory and the data may be downloaded via the internet at a later time” (column 5, lines 10-14). Similarly, Squilla discloses downloading to the camera only a “content reference” to a remote storage location on the server, so that “large data files do not have to be stored in the camera” (column 8, lines 26-27). Applicants submit that storing the content remotely is further evidence that Squilla fails to teach utilizing a camera device to integrate image data and downloaded ancillary data into a single new

composite image. Applicants therefore submit that Squilla fails to teach creating “a new composite image that integrates both said image data and at least one of said ancillary data files as a single image” (emphasis added), as claimed by Applicants.

For all of the foregoing reasons, the Applicants submit that claim 53 is not unpatentable over the cited references, and that the rejection is thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claim 53, so that this claim may issue in a timely manner.

(2). Dependent Claims 12, 32, 49, and 54-55:

Regarding the Examiner’s rejection of dependent claims 12, 32, 49, and 54-55, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 12, 32, 49, and 53-55 are not unpatentable over the cited references, and that the rejections are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 12, 32, 49, and 53-55, so that these claims may issue in a timely manner.

(E). The rejections of claims 16 and 36 under 35 U.S.C. § 103 as being unpatentable over Squilla in view of U.S. Patent No. 5,477,264 to Sarabadhikari et al. (hereafter Sarabadhikari).

The Applicants respectfully traverse these rejections from page 35 of the Office Action for at least the following reasons. Regarding the Examiner's rejection of dependent claims 16 and 36, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 16 and 36, so that these claims may issue in a timely manner.

Furthermore, Applicants submit that Sarabadhikari fails to teach "*said special instruction file being alternately formatted both as an embedded instruction file that is embedded in said selected ancillary data file and a discrete instruction file that is not embedded in said selected ancillary data file*" (emphasis added), as claimed by Applicants. For at least the foregoing reasons, the Applicants submit that claims 16 and 36 are not unpatentable over the cited references, and that the rejections are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 16 and 36, so that these claims may issue in a timely manner.

(F). The rejection of claim 43 under 35 U.S.C. § 103 as being unpatentable over Squilla in view of U.S. Patent No. 6,195,511 to Harada (hereafter Harada).

The Applicants respectfully traverse these rejections from page 36 of the Office Action for at least the following reasons. Regarding the Examiner's rejection of dependent claim 43, for at least the reasons that this claim is dependent from an independent claim whose limitations are not identically taught or suggested, the limitations of this dependent claim, when viewed through or in combination with the limitations of the independent claim, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claim 43, so that this claim may issue in a timely manner.

In addition, the Examiner states that "Harada is found to teach the rewriting of camera programming . . ." (emphasis added). In contrast, Applicants specifically claim that the ancillary data module "*deletes*" a local "*ancillary data file*." Applicants submit that their claimed ancillary data file is not the same as the "camera programming" recited in Harada. Furthermore, Applicants submit that deleting an image data file is not the same as "rewriting" taught by Harada. For at least the foregoing reasons, the Applicants submit that claim 43 is not unpatentable over the cited references, and that the rejection is thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claim 43 so that this claim may issue in a timely manner.

(G). The rejection of claim 44 under 35 U.S.C. § 103 as being unpatentable over Squilla, Aihara, and Qian, and further in view of U.S. Patent No. 6,721,001 to Berstis (hereafter Berstis), and yet further in view of U.S. Patent No. 6,894,694 to Silverbrook et al. (hereafter Silverbrook).

The Applicants respectfully traverse this rejection from page 36 of the Office Action for at least the following reasons. Regarding the Examiner's rejections of dependent claim 44, for at least the reason that this claim is dependent from an independent claim whose limitations are not identically taught or suggested, the limitations of this dependent claim, when viewed through or in combination with the limitations of the independent claim, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claim 44, so that this claim may issue in a timely manner.

In addition, on pages 37-38 of the Office Action, the Examiner concedes that Squilla fails to disclose all claimed elements of claim 46. Applicants concur. The Examiner then points to Qian, Aihara, Berstis, and Silverbrook to purportedly remedy these deficiencies in Squilla. Applicants respectfully traverse, and submit that the Examiner has failed to address all the limitations of claim 44. In particular, the Examiner has only cited Qian, Aihara, Berstis, and Silverbrook against the limitations of a "background files," an "Internet web page files," "voice annotation programming," and animation programming."

Applicants therefore submit that the cited references fail to teach "*special*

program instructions that directly enable or instruct said image device how to utilize said ancillary data files” (emphasis added), as claimed by Applicants. For at least the foregoing reasons, the Applicants submit that claim 44 is not unpatentable over the cited references, and that the rejection is thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claim 44, so that this claim may issue in a timely manner.

(H). The rejection of claim 45 under 35 U.S.C. § 103 as being unpatentable over Squilla in view of U.S. Patent No. 6,731,305 to Park et al. (hereafter Park), and further in view of U.S. Patent No. 6,968,058 to Kondoh et al. (hereafter Kondoh), and yet further in view of U.S. Patent No. 5,717,496 to Satoh et al. (hereafter Satoh).

The Applicants respectfully traverse these rejections from page 39 of the Office Action for at least the following reasons. Regarding the Examiner’s rejection of dependent claim 45, for at least the reasons that this claim is dependent from an independent claim whose limitations are not identically taught or suggested, the limitations of this dependent claim, when viewed through or in combination with the limitations of the independent claim, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claim 45 is not unpatentable over the cited references, and that the rejection is thus improper. The Applicants therefore respectfully request reconsideration and

withdrawal of the rejection of claim 45 so that this claim may issue in a timely manner.

(I). The rejection of claim 56 under 35 U.S.C. § 103 as being unpatentable over Squilla and Aihara in view of U.S. Patent No. 6,535,243 to Tullis (hereafter Tullis).

The Applicants respectfully traverse this rejection from page 39 of the Office Action for at least the following reasons. Regarding the Examiner's rejections of dependent claim 56, for at least the reasons that this claim is dependent from an independent claim whose limitations are not identically taught or suggested, the limitations of dependent claim 56, when viewed through or in combination with the limitations of the independent claim, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claim 56, so that this claim may issue in a timely manner.

For at least the foregoing reasons, the Applicants submit that claim 56 is not unpatentable over the cited references, and that the rejection is thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claim 56, so that this claim may issue in a timely manner.

(J). The rejections of claims 57-58 under 35 U.S.C. § 103 as being unpatentable over Squilla and Aihara in view of U.S. Patent No. 6,006,039 to Steinberg et al. (hereafter '039).

The Applicants respectfully traverse these rejections from page 40 of the Office Action for at least the following reasons. Regarding the Examiner's rejections of dependent claims 57-58, for at least the reasons that these claims are dependent from an independent claim whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the independent claim, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 57-58, so that these claims may issue in a timely manner.

For at least the foregoing reasons, the Applicants submit that claims 57-58 are not unpatentable over the cited references, and that the rejections are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 57-58, so that these claims may issue in a timely manner.

SUMMARY

For all the foregoing reasons, it is earnestly and respectfully requested that the Board of Patent Appeals and Interferences reverse the rejections of claims 1-40, 43-50, and 52-58, so that the present Application may be allowed and pass to issue in a timely manner.

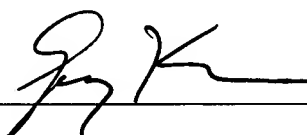
Respectfully Submitted,

Fisher et al.

Date: _____

1/8/10

By: _____



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(8) Claims Appendix

1. A system for manipulating image data, comprising:
 - a data source configured to store one or more ancillary data files, said data source being implemented as a computer in a distributed computer network of multiple remote intercommunicating computers;
 - an imaging device configured to capture said image data, said imaging device being physically remote from said computer; and
 - an ancillary data module for transferring said one or more ancillary data files in an ancillary data flow from said data source directly to said imaging device for manipulating said image data, said ancillary data module performing on-line management procedures during which a system user interactively and manually utilizes said imaging device to remotely view said one or more ancillary data files that are stored on said computer, to remotely manipulate said one or more ancillary data files that are stored on said computer, to then remotely select said one or more ancillary data files that are stored on said computer, and to manually trigger a download of said one or more ancillary data files from said computer to said imaging device, said one or more ancillary data files being selected and downloaded through selection decisions that are able to be made in all instances only by said system user, said selection decisions being made in all instances prior to said download of said ancillary data files, said on-line management procedures occurring while an active bi-directional electronic communication path currently exists from said imaging device to said computer through said distributed computer network, said one or more ancillary data files including one or more image data files that said

imaging device combines with said image data to create a new composite image that integrates both said image data and at least one of said ancillary data files into a single image.

2. The system of claim 1 wherein said data source includes an image station site on an Internet network.
3. The system of claim 1 wherein said ancillary data files include an image background file and an Internet webpage file.
4. The system of claim 1 wherein said imaging device includes at least one of a digital still camera device, a video camera device, and an electronic scanner device.
5. The system of claim 1 wherein said one or more ancillary data files are transferred from said data source to said imaging device by utilizing a wireless transmission process.
6. The system of claim 1 wherein said ancillary data module manipulates said image data by combining selected ones of said ancillary data files with said image data to generate new composite data.
7. The system of claim 1 wherein said imaging device includes a capture subsystem and a control module, said control module having a central processing unit, a memory, a viewfinder, and one or more input/output interfaces.

8. The system of claim 7 wherein said memory includes an application software program, an operating system, said ancillary data module, said one or more ancillary data files, a display manager, data storage for storing said image data, and one or more camera menus for display upon said viewfinder.

9. The system of claim 7 wherein said one or more input/output interfaces include a distributed electronic network interface, a host computer interface, a printer interface, a wireless communications interface, a user interface, and a removable storage media interface.

10. The system of claim 1 wherein said ancillary data module includes a download manager for transferring said ancillary data files from said data source to said imaging device and analyzing said ancillary data files, an editing module for combining said one or more ancillary data files with said image data, a data manager for controlling and reorganizing said one or more ancillary data files, and miscellaneous routines that include a conversion routine for translating said one or more ancillary data files into a compatible format.

11. The system of claim 1 wherein said one or more ancillary data files each include a data portion and a corresponding descriptor tag that is analyzed by said ancillary data module to identify, characterize, and categorize a corresponding one of said one or more ancillary data files.

12. The system of claim 1 wherein said one or more ancillary data files are alternately created both by a system user on a local computer device and a system manufacturer utilizing ancillary-data production equipment.

13. The system of claim 1 wherein said data source is configured to facilitate interactively accessing, manipulating, and downloading said one or more ancillary data files to said imaging device by a system user.

14. The system of claim 1 wherein said imaging device establishes said active bi-directional electronic communication path to said data source, said active communication path alternately being established by both an automatic connection protocol and a user-initiated connection protocol.

15. The system of claim 14 wherein said ancillary data module performs said one or more on-line management procedures while said active bi-directional electronic communication path is available, said one or more on-line management procedures including a data-source content review and an ancillary-data file download procedure.

16. The system of claim 15 wherein said ancillary data module downloads a special instruction file that corresponds to a selected ancillary data file, said special instruction file including information that instructs said imaging device how to correctly utilize said selected ancillary data file, said special instruction file being alternately formatted both as an embedded instruction file that is embedded in said selected ancillary data file and a discrete instruction file that is not embedded in said selected ancillary data file.

17. The system of claim 15 wherein said imaging device terminates said active bi-directional electronic communication path to said data source when said on-line management procedures have been completed, said active communication path being alternately terminated by both an automatic termination protocol and a user-initiated termination protocol.

18. The system of claim 17 wherein said ancillary data module performs an off-line management procedure for said one or more ancillary data files that have been downloaded from said data source, said off-line management procedure including a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files, said imaging device responsively updating camera menus to include said one or more ancillary data files to thereby enable a system user to utilize said one or more ancillary data files.

19. The system of claim 18 wherein said off-line management procedure includes a file reorganization procedure and a file deletion procedure.

20. The system of claim 18 wherein said imaging device utilizes an editing module from said ancillary data module to combine selected ones of said one or more ancillary data files with one or more images from said image data to thereby create said new composite image.

21. A method for manipulating image data, comprising the steps of:
storing one or more ancillary data files in a data source, said data source being implemented as a computer in a distributed computer network of multiple remote intercommunicating computers;
capturing said image data with an imaging device, said imaging device being physically remote from said computer;
transferring said one or more ancillary data files in an ancillary data flow from said data source directly to said imaging device by using an ancillary data module; and
manipulating said image data with said one or more ancillary data files, said ancillary data module performing on-line management procedures during which a system user interactively and manually

utilizes said imaging device to remotely view said one or more ancillary data files that are stored on said computer, to remotely manipulate said one or more ancillary data files that are stored on said computer, to then remotely select said one or more ancillary data files that are stored on said computer, and to manually trigger a download of said one or more ancillary data files from said computer to said imaging device, said one or more ancillary data files being selected and downloaded through selection decisions made only by said system user, said selection decisions being made prior to said download of said ancillary data files, said on-line management procedures occurring while an active bi-directional electronic communication path currently exists from said imaging device to said computer through said distributed computer network, said one or more ancillary data files including one or more image data files that said imaging device combines with said image data to create a new composite image that integrates both said image data and at least one of said ancillary data files into a single image.

22. The method of claim 21 wherein said data source includes an image station site on an Internet network.

23. The method of claim 21 wherein said ancillary data files include an image background file and an Internet webpage file.

24. The method of claim 21 wherein said imaging device includes at least one of a digital still camera device, a video camera device, and an electronic scanner device.

25. The method of claim 21 wherein said one or more ancillary data files are transferred from said data source to said imaging device by utilizing a wireless transmission process.

26. The method of claim 21 wherein said ancillary data module manipulates said image data by combining selected ones of said ancillary data files with said image data to generate new composite data.

27. The method of claim 21 wherein said imaging device includes a capture subsystem and a control module, said control module having a central processing unit, a memory, a viewfinder, and one or more input/output interfaces.

28. The method of claim 27 wherein said memory includes an application software program, an operating system, said ancillary data module, said one or more ancillary data files, a display manager, data storage for storing said image data, and one or more camera menus for display upon said viewfinder.

29. The method of claim 27 wherein said one or more input/output interfaces include a distributed electronic network interface, a host computer interface, a printer interface, a wireless communications interface, a user interface, and a removable storage media interface.

30. The method of claim 21 wherein said ancillary data module includes a download manager for transferring said ancillary data files from said data source to said imaging device and analyzing said ancillary data files, an editing module for combining said one or more ancillary data files with said image data, a data manager for controlling and reorganizing said one or more ancillary data files, and miscellaneous routines that include a conversion routine for translating said one or more ancillary data files into a compatible format.

31. The method of claim 21 wherein said one or more ancillary data files each include a data portion and a corresponding descriptor tag that is analyzed by said ancillary data module to identify, characterize, and categorize a corresponding one of said one or more ancillary data files.

32. The method of claim 21 wherein said one or more ancillary data files are alternately created by both a system user on a local computer device and a system manufacturer utilizing ancillary-data production equipment.

33. The method of claim 21 wherein said data source is configured to facilitate interactively accessing, manipulating, and downloading said one or more ancillary data files to said imaging device by a system user.

34. The method of claim 21 wherein said imaging device establishes said active bi-directional electronic communication path to said data source, said active communication path being alternately established by both an automatic connection protocol and a user-initiated connection protocol.

35. The method of claim 34 wherein said ancillary data module performs said one or more on-line management procedures while said active bi-directional electronic communication path is available, said one or more on-line management procedures including a data-source content review and an ancillary-data file download procedure.

36. The method of claim 35 wherein said ancillary data module downloads a special instruction file that corresponds to a selected ancillary data file, said special instruction file including information that instructs said imaging device how to correctly utilize said selected ancillary data file, said special instruction file being alternately formatted as both an embedded instruction file that is embedded in said selected ancillary data file and a discrete instruction file that is not embedded in said selected ancillary data file.

37. The method of claim 35 wherein said imaging device terminates said active bi-directional electronic communication path to said data source when said on-line management procedures have been completed, said active communication path being alternately terminated by both an automatic termination protocol and a user-initiated termination protocol.

38. The method of claim 37 wherein said ancillary data module performs an off-line management procedure for said one or more ancillary data files that have been downloaded from said data source, said off-line management procedure including a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files, said imaging device responsively updating camera menus to include said one or more ancillary data files to thereby enable a system user to utilize said one or more ancillary data files.

39. The method of claim 38 wherein said off-line management procedure includes a file reorganization procedure and a file deletion procedure.

40. The method of claim 38 wherein said imaging device utilizes an editing module from said ancillary data module to combine selected ones of said one or more ancillary data files with one or more images from said image data to thereby create said new composite image.

44. The method of claim 21 wherein said ancillary data files include a text overlay file for superimposing upon said image data, a background file of visual background data for combining with said image data, special program instructions that directly enable or instruct said image device how to utilize said ancillary data files, and template files that are utilized as settings or frameworks for combining with said image data, said template files including an image transition file, a still template file, an animated template file, and a voice-annotated template file.

45. The method of claim 31 wherein said descriptor tag includes a data format, a data type, a data structure, and a data size.

46. The method of claim 31 wherein said ancillary data module analyzes said descriptor tag corresponding to a downloaded one of said ancillary data files, said ancillary data module responsively assigning said downloaded one of said ancillary data files to one of several file categories in said imaging device, said file categories including a template category, an overlay category, a background category, an Internet web page category, and an instructions category.

47. The method of claim 21 wherein said ancillary data module performs an off-line management procedure for said one or more ancillary data files that have been downloaded from said data source, said off-line management procedure including said ancillary data module analyzing descriptors from said ancillary data files and coordinating corresponding off-line file management procedures by alternately utilizing both an automatic process and an interactive process with a system user, said off-line file management procedures including a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files, said imaging device responsively updating camera menus to include said one or more ancillary data files to thereby enable a system user to utilize said one or more ancillary data files.

48. The method of claim 21 wherein said on-line management procedures only occur while said imaging device is in an on-line state that permits bi-directionally communicating through said distributed computer network directly to said computer.

49. The method of claim 48 wherein said distributed computer network is implemented as an Internet network.

50. The method of claim 21 wherein said system user utilizes said ancillary data module to locally view displayed images of said ancillary data files during said on-line management procedures.

52. The method of claim 21 wherein said ancillary data module is implemented only as a software program stored in a local main memory of said imaging device, said ancillary data module being executed by a sole central-processing unit of said imaging device to perform said on-line management procedures and off-line management procedures.

53. A system for manipulating image data, comprising:
a data source configured to store one or more ancillary data files, said data source being implemented as a computer in an Internet network of multiple remote intercommunicating computers;
an imaging device configured to capture said image data, said imaging device being physically remote from said computer; and
an ancillary data module for transferring said one or more ancillary data files in an ancillary data flow from said data source directly to said imaging device for manipulating said image data, said ancillary data module performing on-line management procedures during which a system user interactively and manually utilizes said imaging device to remotely view said one or more ancillary data files while said one or more ancillary data files are stored on said computer, to remotely manipulate said one or more ancillary data files while said one or more ancillary data files are stored on said computer, to then remotely select said one or more ancillary data files while said one or more ancillary data files are stored on said computer, and to manually trigger a download of said one or more ancillary data files from said computer to said imaging device, said one or more ancillary data files being selected and downloaded through selection decisions made only by said system user, said selection decisions being made prior to said download of said ancillary data files, said on-line management procedures occurring

while an active bi-directional electronic communication path currently exists from said imaging device through said Internet network to said computer, said one or more ancillary data files being limited to one or more image data files that said imaging device combines with said image data to create a new composite image that integrates both said image data and at least one of said ancillary data files into a single image.

54. The system of claim 53 wherein said ancillary data module is implemented as software on said imaging device, said ancillary data module controlling said on-line management procedures.

55. The system of claim 54 wherein said ancillary data module also controls off-line management procedures for said one or more ancillary data files that have been downloaded from said data source, said off-line management procedures including said ancillary data module analyzing descriptors from said ancillary data files and coordinating corresponding off-line file management procedures by alternately utilizing both an automatic process and an interactive process with a system user, said off-line file management procedures including a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files, said imaging device responsively updating camera menus to include said one or more ancillary data files to thereby enable a system user to utilize said one or more ancillary data files.

56. The system of claim 53 wherein said imaging device is implemented as a video camera device.

57. The system of claim 53 wherein said imaging device communicates with said data source through a hard-wired physical connection.

58. The system of claim 53 wherein said imaging device communicates with said data source through a removable storage device.

(9) Evidence Appendix: None.

(10) Related Proceedings Appendix:

None.